

REMARKS

This is intended to be a complete response to the Official Action mailed March 1, 2005, in which claims 1-27 were rejected. Applicants respectfully traverse in view of the amendments.

Amendments to the Claims

Claims 1 and 17 have been amended to indicate that the lower bottom surface of the bottom of the floral sleeve is flat when the pot is disposed within the floral sleeve, as shown and supported for example in Fig. 4 of the specification which shows a sleeve 10 having a flat lower bottom surface 56 disposed below a bottom 68 of a lower end 66 of a pot 62.

First Rejection Under 35 U.S.C. §103(a)

Claims 1-9, 17 and 25-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Newport (AU 42319/78) in view of Kugler (US 3,405,863).

Newport teaches a floral sleeve having an upper detachable portion and an open lower end. Kugler teaches a bag having a gusseted lower end having a configuration which, when opened, forms a convexly (outwardly) curved lower end for conforming to the curved shape of an item disposed therein, such as a plate.

As claimed herein, the present invention contemplates a method of using a floral sleeve to cover a flower pot or floral grouping such that when the floral sleeve is opened and the flower pot or floral grouping is disposed therein, the

lower bottom surface of the bottom of the floral sleeve is flat (and thus concealed by the right sides and left sides of the sleeve for enhancing the decorative effect of the sleeve).

The presently claimed sleeve enables a considerably enhanced decorative effect of the potted plant or floral grouping because the bottom of the sleeve is concealed rather than exposed, and further, since the decorations on the first panel and second panel of the sleeve are preserved intact substantially without folding.

Kugler teaches that the bottom of the sleeve extends outwardly and is exposed when the sleeve is open and has an item disposed therein, thereby forming an outwardly curved bottom. For example, Kugler states:

"As is best understood from the comparison of FIGS. 1 and 6, the bag 10 although having the substantially horizontally oriented bottom edge 10a when in the flat, as depicted in FIG. 1, has a round or curved bottom edge 10b when actually serving as a container for the plate P, as depicted in FIG. 6." (Col. 2, lines 42-47.);

"... one of the significant contributions of the present invention is the appreciation that a bottom gusset construction, as exemplified by the gusset 28, although providing the bag 10 with a horizontally oriented bottom edge 10a in the flat is effective, upon being unfolded, of projecting itself slightly beyond the bottom edge 10a and, specifically, of achieving this projected condition slightly more in the middle than in the side sections thereof. That is, in its unfolded condition, and as best illustrated in FIG. 6, the bottom gusset 28 presents a slightly curved bottom edge 10b extending beyond the original bag bottom edge 10a..." (Col. 3, lines 43-54.);

"Thus, as perhaps is best appreciated from the perspective view of FIG. 8, a natural rounded configuration or shape develops in the unfolded gusset 28, which is favorably accentuated by the inwardly oriented side edges 28a, 28b. This, in turn, cooperates with the

inwardly oriented side weld length segments 16a, 18a to thereby provide a substantially round bottom for the bag 10." (Col. 3, lines 62-69.) (Emphasis added.)

Figures 6, 7 and 8 of Kugler clearly show that the bottom of the open sleeve is not flat as claimed presently, but curves outwardly.

Contrarily, in the present invention, the bottom is flat to enhance the decorative effect of the sleeve and to ensure that the bottom of the sleeve is hidden from view. In Kugler, the bottom of the sleeve is clearly evident and exposed when the item is disposed therein.

Even if Newport was modified by Kugler to have the gusseted lower end of Kugler, it would not arrive at the present invention because the "Kugler gusset" would provide the Newport sleeve with an outwardly curved lower end, contrary to the present invention.

In view of the above, it is evident there is not a basis for conclusion of *prima facie* of obviousness. Applicants therefore respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a).

Second Rejection Under 35 U.S.C. §103(a)

Claims 10-12 and 18-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Newport (AU 42319/78) in view of Kugler (US 3,405,863) in further view of Benoit (US 4,554,192).

Applicants respectfully traverse the rejection for the same reasons provided in the response to the first rejection under 35 U.S.C. §103(a). Benoit does not remedy the deficiencies of the combination of Newport and Kugler.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a).

Third Rejection Under 35 U.S.C. §103(a)

Claims 13-16 and 21-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Newport (AU 42319/78) in view of Kugler (US 3,405,863) in further view of Sievers (US 1,868,853).

Applicants respectfully traverse the rejection for the same reasons provided in the response to the first rejection under 35 U.S.C. §103(a). Sievers does not remedy the deficiencies of the combination of Newport and Kugler.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a).

Conclusion

In view of the above, Applicants respectfully submit the claims are now in a condition for allowance and request issuance of a Notice of Allowance thereof.

Respectfully submitted,



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